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FEDERAL COMMUNICATIONS COMMISSION
CIVIL DIVISION

September 15, 1995

VIA HAND DELIVERY

William F. Caton
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

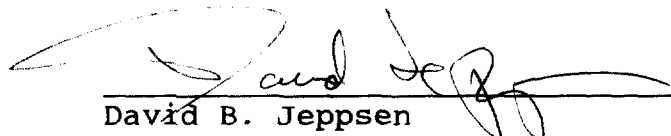
EX PARTE PRESENTATION

Re: CC Dkt. 92-77

Dear Mr. Caton:

On September 12, 1995, Al Kramer and David Jeppsen of this firm, along with Barry Selvidge and Vince Townsend of the Inmate Calling Services Providers Task Force ("ICSPTF"), met with Mary Beth Richards and Bob Spangler of the Common Carrier Bureau to discuss matters of record in this proceeding. In particular, we discussed ICSPTF's views on a rate ceiling for inmate calls. We also provided the enclosed Resolution of the National Sheriff's Association, dated June 14, 1995, which supports rate ceilings and opposes billed party preference. In addition, we discussed a proposal for the Commission to require that correctional facilities implement a premises-based system that provides inmates and/or the parties that inmates frequently call a choice of which carrier handles the inmate's call. ICSPTF explained the problems with that proposal, including (1) that the technology for such a system is not readily available; (2) even if the technology were available, it is unclear who would finance such a system; and (3) the same security and control concerns presented by billed-party preference (BPP), which are well-documented in the record of this proceeding, would be present under such a system. ICSPTF believes that the Commission should address the issue of inmate calling rates by adopting a rate ceiling rather than by creating an unnecessary and intrusive regulatory regime that interferes with prison administration.

Sincerely,


David B. Jeppsen

Encl.

cc: Mary Beth Richards/Bob Spangler

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NATIONAL SHERIFFS' ASSOCIATION



Resolution

NATIONAL SHERIFFS' ASSOCIATION OPPOSES CHANGE IN FCC PROPOSED BILLED PARTY PREFERENCE FOR INMATE PHONE USAGE

WHEREAS, N.S.A. Legislative Committee has recommended to the Executive Committee and Board of Directors of N.S.A. to oppose the FCC's Billed Party Preference (BPP); and

WHEREAS, sheriffs are responsible for managing and securing jail facilities nationwide; and

WHEREAS, inmate telephone service at the facilities is important for the welfare of inmates and is a positive rehabilitation tool for jail administrators; and

WHEREAS, inmate telephone service can only be provided if service is adequately controlled to prevent criminal telephone activity which harms the public; and

WHEREAS, facilities must contract with inmate phone service providers in order to ensure that inmate calling is adequately controlled and secure; and

WHEREAS, facilities cannot afford to provide this specialized telephone equipment without the financial assistance of the inmate phone service providers; and

WHEREAS, the inmate calling revenues facilities received from inmate phone service providers are increasingly used to finance special programs that benefit the inmates and help reduce recidivism; and

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Preference for Inmate Phone Usage
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WHEREAS, the FCC is considering a regulatory proposal known as BPP that would destroy the economic foundations of facility contracts with inmate phone service providers; and

WHEREAS, BPP will eliminate the current security and fraud controls maintained by inmate phone service providers; and

WHEREAS, BPP may ultimately lead to the reduction of inmate phones which in turn may subject facilities to potential lawsuits from inmates or groups supporting inmate rights; and

RESOLVED, citizens who pay for inmate calls should not be required to pay unreasonable rates and facilities that contract with inmate phone services providers that charge unreasonable rates expose their facilities to potential lawsuits from inmates, groups supporting inmate rights, and regulatory bodies; and

THEREFORE, BE IT RESOLVED the National Sheriffs' Association opposes the FCC's proposal for BPP; that N.S.A. does not condone the charging of unreasonable rates by inmate phone service providers who contract with facilities; administrators of facilities should be responsible for ensuring that the inmate phone service providers with whom they contract charge reasonable rates by requiring rate caps in those contracts; those rate caps should be monitored by facility administrators, and violations of a rate cap by an inmate phone service provider should result in the termination of that provider's contract with the facility; and in order to assist administrators in their enforcement efforts, the National Sheriffs' Association urges the FCC to establish a firm ceiling for reasonable inmate calling rates and to enforce that ceiling; the N.S.A. urges all administrators to allocate inmate calling revenues to specific programs to help in the rehabilitation of inmates and help reduce recidivism.

Adopted at a general membership
meeting on the 14th day of June, 1995
in San Antonio, Texas